

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEONARD RACKLEY,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0145-HE
)	
JOHNNY BLEVINS, DOC Internal Affairs;)	
JUSTIN JONES, DOC Director; TIM)	
WILKINSON, Warden (DFC); MARK)	
KNUTSON, Director's Designee)	
)	
Defendants.)	

ORDER


Plaintiff Leonard Rackley, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin. Judge Erwin has issued a Report and Recommendation recommending that the complaint be dismissed for failure to state a claim for which relief may be granted and that the dismissal constitute a “prior occasion” under 28 U.S.C. § 1915(g). Objections to the magistrate judge’s report and recommendation were due by May 30, 2014.

Plaintiff, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)).

Accordingly, the Report and Recommendation [Doc. #13] is **ADOPTED**, and the complaint is **DISMISSED** without prejudice. The dismissal counts as a prior occasion under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated this 4th day of June, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE